

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	93 CR 727 - 1	DATE	3/6/2000
CASE TITLE	USA vs. Michael Disch		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum. Accordingly this Court is totally without jurisdiction—without power—to do as Disch wishes. If Disch wants to obtain the relief identified in his recent letter, he must direct his request to the Bureau of Prisons personnel. Jurisdiction over Disch's earlier 92 CR 719 and 92 Cr 1101 cases remains with Judge Plunkett, so that it is for him to determine whether the same considerations that led this Court to revoke Disch's supervised release in 93 CR 727 should have the same effect in Judge Plunkett's two cases.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	SN courtroom deputy's initials	Date/time received in central Clerk's Office	number of notices	Document Number 77
			MAR - 7 2000 date docketed	
			[Signature] docketing deputy initials	
			3/6/2000 date mailed notice	
			SN mailing deputy initials	

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MEMORANDUM

Most recently Disch has written to this Court asking that it order the Bureau of Prisons to designate Disch for halfway house treatment before the expiration of his term in custody. But what

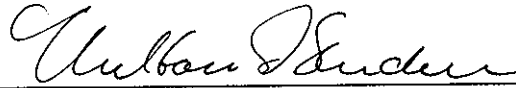
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Disch does not understand is that Congress has given the courts no power to enter such an order--once a sentence has been imposed, total control over the designation of a custodial institution and over all other aspects of the custodial sentence shifts to the Bureau of Prisons. For example, even though this Court's July 16 order had honored the request made by Disch and his counsel by including a recommendation that he be designated to serve his term at the United States Medical Center for Federal Prisoners in Springfield, Missouri, or at the Federal Medical Center in Rochester, Minnesota, or at the Federal Correctional Institution in Butner, North Carolina, the Bureau responded by stating that "We appreciate your recommendation in this case" but advising that another designation would be made.

Accordingly this Court is totally without jurisdiction--without power--to do as Disch wishes. If Disch wants to obtain the relief identified in his recent letter, he must direct his request to the Bureau of Prisons personnel.

One added item remains. Probation Officer Jeffrey Fleig has inquired as to whether this Court's order revoking Disch's supervised release term in this action also applied to the concurrent supervised release terms in Disch's earlier 92 CR 719 and 92 CR 1101 cases. Jurisdiction over those cases remains with

Judge Plunkett, so that it is for him to determine whether the same considerations that led this Court to revoke Disch's supervised release in 93 CR 727 should have the same effect in Judge Plunkett's two cases. For that reason, this Court is sending a copy of this memorandum to its colleague Judge Plunkett as an informational matter.

A handwritten signature in cursive script, reading "Milton I. Shadur", is written over a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: March 6, 2000